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AARON IRIBE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON IRIBE,

Defendants.

2:21-CR-189-KJM

**NOTICE OF MOTION FOR BAIL
REVIEW; MEMORANDUM IN
SUPPORT OF DEFENDANT'S
MOTION FOR BAIL REVIEW**

PLEASE TAKE NOTICE that on December 2, 2021, at 2:00 p.m., or as soon thereafter as the matter may be heard, defendant AARON IRIBE by and through his undersigned counsel, will and hereby does move the Court to conduct a bail review. 18 U.S.C. § 3141 and 3142.

This motion is based on the record and file in this case and such evidence and argument as the Court may receive at the hearing on this motion along with a memorandum in support of this motion.

Dated: November 30, 2021

/s/ Jennifer Mouzis
JENNIFER MOUZIS
Attorney for Defendant
AARON IRIBE

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1 **MEMORANDUM IN SUPPORT OF DEFENDANT’S MOTION FOR BAIL REVIEW**

2 **I. INTRODUCTION**

3 Defendant Aaron Iribé made his initial appearance in this case on October 14, 2021 (ECF
4 10). The Court held Mr. Iribé based upon the Redacted Indictment (ECF 9) and set a detention
5 hearing for October 18, 2021. The detention hearing on October 18 was continued to October 19,
6 2021 to allow further interview of defendant by Pretrial Services (ECF 14). At that time, counsel
7 submitted on the issue of detention subject to the development of additional facts which may
8 warrant further consideration.
9

10 Mr. Iribé comes now with a several suitable third-party custodians, residence, bond
11 package, and release plan to overcome any presumption of danger and flight risk. Specifically,
12 Mr. Iribé’s uncle, Felipe Haro, has agreed to put up his property for the bond package. In
13 addition, Mr. Iribé’s mother in law, Erika Melendez, has agreed to be a signer on his bond
14 package. Mr. Iribé will live with his Valerie Iribé and their two young children in Tulare,
15 California. Mr. Iribé is also willing to submit to location monitoring.

16 **II. ARGUMENT**

17 In order to continue to detain Mr. Iribé, the Court must find by clear and convincing
18 evidence that there is no condition or combination of conditions that will assure that he will not
19 flee or pose a danger to the safety of any other person or the community, or that he is unlikely to
20 abide by any condition or combination of conditions of release. 18 U.S.C. § 3142(g). Courts also
21 take into consideration the nature and circumstances of the offense charged, the weight of the
22 evidence, and the history and characteristics of the defendants. 18 U.S.C. § 3142(g). Moreover,
23 the Bail Reform Act of 1984, 18 U.S.C. §§ 3141, et. seq., requires the release of a person facing
24 trial under the least restrictive condition or combination of conditions that will reasonably assure
25 the appearance of the person as required and the safety of the community. 18 U.S.C. §
26 3142(c)(2); *United States v. Motamedi*, 767 R.2d 1403, 1405 (9th Cir.1985). Only in rare
27 circumstances should release be denied, and doubts regarding the propriety of release should be
28

1 resolved in the defendant's favor. *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991).

2
3 In Mr. Iribe's case, with his proffered bond package and release conditions, he is not a
4 flight risk or danger to the community. His history, characteristics, and significant family and
5 work ties to California establish his ability, motivation, and likelihood to follow all the rules and
6 court conditions.

7 These factors, along with the nature and circumstances of the charged offense and the
8 weight of the evidence, together favor release.

9 **a. Mr. Iribe is not a flight risk or a danger to the community**

10 Although this is a presumption case, Mr. Iribe overcomes the presumption as an
11 individual with a minimal criminal record, very strong ties to California, an appropriate bond
12 package, third-party custodian, danger to his health remaining in custody due to uncontrolled
13 blood pressure and anxiety, and strong release plan.

14 Mr. Iribe proposes that he leave custody to live with his wife and children along with
15 location monitoring. His mother in law, Erika Melendez has also agreed to help with keeping Mr.
16 Iribe on track. She has no criminal record and also have strong ties to the area, and a job that she
17 has been working for 4 years. If released immediately, he has a job to which he can return and
18 work full time, just as he did until he was arrested for the instant offense.

19 With the above considerations, and in consideration of the factors discussed below, Mr.
20 Iribe overcomes the presumption of danger and flight and should be released.

21 **b. Nature and circumstances of the offense**

22 Mr. Iribe is facing two counts: 21 U.S.C. §§ 846, 841(a)(1) and 21 U.S.C. § 841(a)(1).

23 **c. History and characteristics of the defendant**

24 Mr. Iribe, 32, was born and raised in Compton, California. Mr. Iribe, along with his wife
25 and children now live in Tulare, California for approximately 5 years. Mr. Iribe's parents, Dora
26 Aide Cabrera and Martin Iribe reside together in Tulare, CA and Mr. Iribe has contact with them
27 daily. Mr. Iribe has two brothers, Martin (age 31) of Los Angeles, California; and David Iribe
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1 (age 27) of Tulare, California. The defendant indicated he does not have much contact with
2 Martin, but he has daily contact with David.

3 Other than the instant case, Mr. Iribé has one felony conviction from over 10 years ago.
4

5 **III. CONCLUSION**

6 For the reasons stated, the defendant Aaron Iribé respectfully requests the Court release
7 him from custody subject to appropriate conditions of release.

8
9 Dated: November 30, 2021

/s/ Jennifer Mouzis
JENNIFER MOUZIS
Attorney for Defendant
AARON IRIBE